

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NO. 1:16-CV-00101-RLV**

STACY L. WHITTED,

Plaintiff,

v.

NANCY A. BERRYHILL, ACTING
COMMISSIONER OF SOCIAL
SECURITY,¹

Defendant.

ORDER

The Acting Commissioner of Social Security, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment remanding this matter for further administrative proceedings. (Doc. 11). In her motion, Defendant represents that Plaintiff's counsel consents to the Motion to Remand. Plaintiff has not filed a response to Defendant's motion, and the time to file a response has elapsed. Pursuant to the power of this Court under sentence four of 42 U.S.C. § 405 (g), this Court **GRANTS** Defendant's Motion to Remand (Doc. 15). *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Furthermore, in light of Plaintiff's consent to Defendant's Motion to Remand, Plaintiff's Motion for Summary Judgment (Doc. 9) is **DENIED** as moot.

Signed: February 27, 2017



Richard L. Voorhees
United States District Judge



¹ Nancy A. Berryhill became Acting Commissioner of Social Security on January 23, 2017. The Clerk is directed to substitute Nancy A. Berryhill for Carolyn W. Colvin as the Defendant in this matter. *See* Fed. R. Civ. P. 25(d); *see also* 42 U.S.C. § 405(g) ("Any action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office.").